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TO SECSTATE WASHDC 7998
INFO AMEMBASSY MEXICO
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AMCONSUL TIJUANA

UNCLAS TIJUANA 001153

E.O. 12958: N/A
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SUBJECT: SHAKEUPS IN THE LOCAL LAW ENFORCEMENT COMMUNITY

REF: A) MEXICO 2669 B) TIJUANA 952

On November 10, twenty-one police officers in Tijuana (nineteen municipal and two state police assigned to TJ), including at least two commanders and Consulate Tijuana's liaison official, were detained by military personnel in a federal operation coordinated by the Federal Attorney General's Office (PGR) and sent to Mexico City for possible prosecution for suspected links to organized crime. State and local authorities appeared surprised, but not disappointed, by the detentions, with at least one insisting this gave them an opportunity for a clean start. Daniel de la Rosa, the State Secretary for Public Security, compared these detentions with the dismissals this year of about 100 police officers statewide as a result of the state and municipal purging processes under the Acuerdo Nacional de Seguridad Publica (National Public Security Agreement - ref A). This is the first time in several years in Baja, however, that federal authorities have detained local authorities for links to organized crime.

On November 14, Alberto Capella, the Tijuana Municipal Secretary of Public Security, told WHA Deputy Assistant Secretary Roberta Jacobson, coincidentally on a visit to Tijuana, that, unlike in previous purges, none of these twenty-one officers will be reinstated, even if federal authorities decide not to press charges. Tijuana Mayor Jorge Ramos has publicly insisted these officers will not be restored to their positions, whether or not there is proof of their illicit activities. This is significant because at least one of those detained, Post's liaison officer, is a close friend of the Mayor's. One of the Mayor's assistants told Post that new legislation makes it easier for the government to sack police officials. (NOTE: Post believes this official was referring to changes made at the federal level in 2008 to Article 123, art B XIII of the Constitution which, in theory, will allow the government to dismiss police officers without the possibility of reinstatement, allowing only the possibility of financial compensation if a judge finds that a policeman was dismissed without cause. END NOTE). Still, many doubt whether local authorities will be able to keep the police officials out of their jobs once the officers begin legal processes and obtain "amparos" (injunctions) against their dismissals, as the constitutional changes are untested in Baja. One prominent lawyer told DAS Jacobson and Poloff that the way the detentions and dismissals were handled - by military officials and without solid proof - calls into question the rule of law and order just at the time that Mexico is trying to improve its judicial system.

Whatever the fate of the twenty-one officers, the detentions appear to be spurring other shakeups in the local law enforcement community. Tijuana's police chief is rumored to be leaving for a state-level job, and Rosarito's current chief is supposedly heading to Tijuana. Some say Capella, who had no law enforcement background before being appointed to his position and does not command the respect of his subordinates, has submitted his resignation, though he gave no indication of this in his November 14 meeting with Post.

COMMENT: The latest purges may show the federal government's resolve to rid local police forces of corruption, and local politicians either support the federal efforts or have no choice but to appear to be supportive, but while Baja California continues to be territory disputed by the remnants of the

Arellano Felix Organization drug cartel and the Sinaloa cartel, violence is likely to continue in the area.

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